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Attorneys for Plaintiff

VDF FUTURECEUTICALS, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

VDF FUTURECEUTICALS, INC.,)	CIVIL NO. 11-00288 ACK/RLP
)	
Plaintiff,)	JOINT REPORT OF PARTIES'
)	SCHEDULE PURSUANT TO
vs.)	SCHEDULING CONFERENCE
)	
SANDWICH ISLES TRADING CO.)	JUDGE: Hon. Richard L. Puglisi
INC., D/B/A KONA RED, INC., and)	
DOES 1 THROUGH 20,)	
)	
Defendants.)	
)	
)	
)	

JOINT REPORT OF PLAINTIFF VDF FUTURECEUTICALS, INC. AND
DEFENDANT SANDWICH ISLES TRADING CO. INC.'S SCHEDULE
PURSUANT TO THE SCHEDULING CONFERENCE

Plaintiff VDF Futureceuticals, Inc. ("VDF"), by and through its attorneys, McCorriston Miller Mukai MacKinnon LLP, Sidley Austin LLP, and Fish & Associates, PC, and Defendant Sandwich Isles Trading Co., Inc. ("SITC") by and through its attorneys, Cades Schutte LLP, appeared in chamber before the Honorable Richard L. Puglisi for a Scheduling Conference on August 31, 2011.

Pursuant to the Court's guidance and the parties' discussion, the parties and the Court agreed to the following schedule for this case:

<u>Event</u>	<u>Plaintiff's Proposed Dates</u>
Rule 26(a)(1) Initial disclosures	September 2, 2011
Plaintiff serves on Defendant preliminary infringement contentions	September 14, 2011
Defendant serve Plaintiff preliminary invalidity and non-infringement contentions	October 5, 2011
Deadline to join additional parties, unless good cause is shown	January 27, 2012
Deadline to amend the pleadings, unless good cause is shown	January 27, 2012
Parties exchange proposed terms and claim elements for construction	January 27, 2012
Parties meet and confer regarding the list of proposed terms and claim elements for construction	February 10, 2012
Parties file with the court a list of terms for construction	February 17, 2012
Parties make exchange of preliminary claim constructions and extrinsic evidence (if any)	February 24, 2012
Parties meet and confer regarding claim constructions and extrinsic evidence (if any)	March 9, 2012
Plaintiff files its opening claim construction brief	April 9, 2012
Defendant file its responsive claim construction brief	as provided by local rule
Plaintiff file its reply on claim construction brief	as provided by local rule

Claim construction hearing (i.e., <i>Markman</i> hearing)	May 31, 2012 9:00am – 12:00pm Judge Kay
Close of fact discovery	60 days after claim construction ruling
Deadline for expert reports on issues for which a party bears the burden of proof	60 days after fact discovery closes
Rebuttal expert reports due	45 days after opening expert reports
Close of expert discovery	45 days after rebuttal reports
Deadline for filing dispositive motions	30 days after close of expert discovery
Parties make pretrial disclosures, file motions in limine	30 days prior to pretrial conference
Parties file joint pretrial memorandum	30 days prior to trial
Pretrial conference	To be determined
Jury selection	To be determined
Trial (and expected length of time for trial)	January 29, 2013 (5-10 days in length)

* * *

The parties respectfully request the Court to enter the above schedule for this case.

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DATED: Honolulu, Hawai'i, September 7, 2011.

/s/Lisa W. Cataldo

ROBERT G. KLEIN

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JORDON J. KIMURA

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Attorneys for Plaintiff

VDF FUTURECEUTICALS, INC.

APPROVED AND ACCEPTED:

/s/ Colin O. Miwa

MARTIN E. HSIA

COLIN O. MIWA

ALLISON MIZUO LEE

MEGAN S. JOHNSON

Attorneys for Defendant and

Counterclaimant

SANDWICH ISLES TRADING

COMPANY INC. d/b/a KONA RED, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

VDF FUTURECEUTICALS, INC.,)	CIVIL NO. 11-00288 ACK/RLP
)	
Plaintiff,)	CERTIFICATE OF SERVICE
)	
vs.)	
)	
SANDWICH ISLES TRADING CO.)	
INC., D/B/A KONA RED, INC., and)	
DOES 1 THROUGH 20,)	
)	
Defendants.)	
)	

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES that a true and correct copy
of the foregoing document was duly served on the following on this date as
indicated below:

Electronically	U.S.
Via CM/ECF	Mail

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X

Attorneys for Defendant
SANDWICH ISLES TRADING COMPANY
INC. d/b/a KONA RED, INC.

DATED: Honolulu, Hawai'i, September 7, 2011.

/s/Lisa W. Cataldo

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